

SEVENTH DAY

(Tuesday, June 18, 1968)

The Senate met at 10:30 o'clock a.m. pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word
Hazlewood	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Message From the House

Hall of the House of Representatives
Austin, Texas,
June 18, 1968.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 8, Congratulating the LCRA Board of Directors for their interest in the Boy Scouts of America.

S. C. R. No. 7, In Memory of Charles Edward Green.

S. C. R. No. 8, In Memory of R. O. Zollinger.

S. C. R. No. 9, In Memory of Mrs. Frank C. Erwin, Jr.

S. C. R. No. 10, In Memory of George Parkhouse.

S. C. R. No. 12, In Memory of Captain Albert James Nichols, Sr.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Report of Standing Committee

Senator Aikin submitted the following report:

Austin, Texas,
June 18, 1968.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 4, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and that the Committee Substitute adopted in lieu thereof do pass and be printed.

AIKIN, Chairman.

C. S. S. B. No. 4 was read the first time.

**Committee Substitute Senate Bill 4
Ordered Not Printed**

On motion of Senator Aikin and by unanimous consent C. S. S. B. No. 4 was ordered not printed.

Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled resolution:

H. C. R. No. 7—Extending invitation to the Honorable W. W. Heath to address a Joint Session of the Legislature.

Message From the House

Hall of the House of Representatives
Austin, Texas,
June 18, 1968.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 11, Honoring Joe Presswood, etc.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 6 on First Reading

The following bill was introduced,

read first time and referred to the Committee indicated:

By Senator Aikin:

S. B. No. 6, A bill to be entitled "An Act authorizing the Comptroller of Public Accounts to transfer funds between items of appropriation made to the Comptroller by Senate Bill No. 15, Sixtieth Legislature, Regular Session; providing for an effective date; and declaring an emergency."

To the Committee on Finance.

House Concurrent Resolution 8 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 8, Congratulating the LCRA Board of Directors for their interest in the Boy Scouts of America.

The resolution was read.

On motion of Senator Herring, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 13

Senator Cole offered the following resolution:

S. C. R. No. 13, Congratulating and commending Clarence R. Cook on his appointment as Fire Chief of the Houston Fire Department.

Whereas, A longtime career officer of the Houston Fire Department, Clarence R. Cook, was named Fire Chief on May 1, 1968; and

Whereas, Chief Cook, who is 40 years of age, joined the Houston Fire Department on January 22, 1945, when he was only 17 years old; and in discussing what influenced his early ambition to be a fireman, he replied: "I don't know. It just never occurred to me to be anything else."; and

Whereas, Promotions came regularly to this man who said he had always wanted to be a fire fighter; in 1953 he became Junior Captain; he was appointed a Senior Captain in 1956, became District Chief in 1958, Deputy Chief in 1964, and Assistant Chief in 1967; and

Whereas, As Fire Chief of the Houston Fire Department, he assumes the awesome responsibility of furnishing adequate fire protection for over one million inhabitants of

the largest city in Texas—the sixth largest city in the United States; and

Whereas, Under his jurisdiction is the mammoth ship channel complex, third in tonnage in the entire nation; the petrochemical industry in and around Houston adds to the diversity of problems of the Houston Fire Department in providing fire protection for all of Houston; and

Whereas, Chief Cook is well known and popular among the men in his department; he participates in the many activities of the department and his qualities of leadership have been demonstrated time and time again as he has served as a member of or chairman of every major committee of the Houston Professional Fire Fighters Association; and

Whereas, It is appropriate that the Texas Legislature recognize Fire Chief Clarence R. Cook and congratulate him on his new assignment; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislature does hereby extend best wishes to Fire Chief Clarence R. Cook on his recent and well-deserved appointment as head of the Houston Fire Department; and, be it further

Resolved, That an official copy of this Resolution be prepared for Chief Cook as a memento of the occasion of his new appointment as Fire Chief of the Houston Fire Department and in token of the appreciation of the 60th Legislature for his services to his city and his state.

The resolution was read.

On motion of Senator Cole, and by unanimous consent, the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
June 18, 1968.

Hon. Preston Smith, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 1, A bill to be entitled "An Act relating to the regulation of the provision and sale of alcoholic beverages; defining and prohibiting an open saloon; providing for certain

permits and licenses and issuance thereof and for the suspension, cancellation and expiration of permits and licenses; providing certain fees and increasing certain fees; requiring the display of permits; providing for sale and service of alcoholic beverages on certain public conveyances; providing procedures for payment in sales and purchases of alcoholic beverages; authorizing certain city and county fees; requiring notice; defining certain terms; requiring certain bonds; prohibiting certain acts and practices; making certain practices unlawful and providing penalties; providing for the sale of distilled spirits in containers of two (2) ounces or less; providing for the affixing of tax stamps; providing for the hours of unlawful sales of liquor for On-Premise consumption; providing for enforcement by all peace officers of the State and for arrest without warrant by certain persons; defining the local option status where the sale of all alcoholic beverages is legal; providing for retention of the existing local option status; providing the submission of issues in all classes of local option elections; amending Chapter 467, Acts of 1935, 44th Legislature, Second Called Session, as amended; repealing Section 1A, Chapter 262, House Bill No. 892, Acts of 1961, 57th Legislature, Regular Session; and declaring an emergency."

H. C. R. No. 10, Honoring Miss Sherry Clements as governor for Bluebonnet Girls State.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Committee Substitute Senate Bill 4 On Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 4, A bill to be entitled "An Act appropriating money for the support of the Judicial, Executive and Legislative Branches of the State Government, for the construction of State buildings, and for State aid to public junior colleges, for the fiscal year beginning September 1, 1968, and ending August 31, 1969; authorizing and prescribing

conditions, limitations, rules and procedures for allocating and expending the appropriated funds; and declaring an emergency."

The bill was read second time.

Senator Grover offered the following amendment to the bill:

Amend the Committee substitute for S. B. No. 4 at page II-10, under "Department of Mental Health and Mental Retardation Construction Program," by re-wording the appropriate item to read as follows:

"For repairs, renovations, and additions, the following sum is hereby appropriated. \$2,000,000"

The amendment was read.

On motion of Senator Aikin the amendment was tabled.

Reason for Vote

The section attempted to be amended by the amendment offered above by Senator Grover reads as follows:

"Department of Mental Health and Mental Retardation Construction Program

Out of the General Revenue Fund:	For the Year Ending August 31, 1969
For repairs, renovations, additions, and new construction projects, the following sum is hereby appropriated <u>\$11,000,000</u>	

From funds appropriated above for the Department of Mental Health and Mental Retardation Construction Program, the Department is hereby authorized to undertake any of the following projects:

Central Office and Other Projects: Institute for Human Growth and Development in Austin; Dallas Neuropsychiatric Institute; Community Mental Health and Mental Retardation Center—Rural; Community Mental Health and Mental Retardation Center—Urban; Research and Treatment Hospital—Houston; Institute for Brain and Behavior — Galveston; Treatment Unit—San Antonio; Central Office Addition; Master Plan—San Antonio State Hospital; Master Plan—Rusk State Hospital; Replacement of beds at Rusk State Hospital; Replacement of beds at Austin State Hospital; Repair and Renovation of existing institutional buildings.

Austin State School: Resocialization Ward Building.

Abilene State School: Resocialization Ward Building.

Corpus Christi State School: Phase II Expansion (328 beds).

Denton State School: Resocialization Ward Building.

Lubbock State School: Phase II Expansion (328 beds).

Travis State School: Lighting System Addition.

Richmond State School: Phase II Construction (457 beds).

Vernon Geriatric Center: Additional Facilities.

I voted against the amendment, and for the motion to table, because this particular Grover amendment would prevent the construction this next year of \$9,000,000 in needed facilities for the care of the mentally retarded. We now have a waiting list of over 1400 for our schools for the mentally retarded. Further delay in construction is neither warranted or justified.

PATMAN.

Senator Cole offered the following amendment to the bill:

Amend the Committee Substitute for Senate Bill No. 4 by amending the provisions relating to the Air Control Board in Article III, page III-9, by deleting the last paragraph which reads as follows:

"None of the funds appropriated above may be expended on activities, other than research, which are in any manner connected with cotton gins or the cotton ginning industry of the State of Texas."

COLE
BROOKS

The amendment was read and was adopted.

Record of Votes

Senators Bates, Hardeman, Hall, Ratliff and Blanchard asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Grover offered the following amendment to the bill:

Amend the Committee Substitute for S. B. No. 4, Page III-6 by striking all of paragraph 15.

The amendment was read.

On motion of Senator Aikin the amendment was tabled.

Reason for Vote

The paragraph 15 which Senator Grover attempted to strike by his amendment, reads as follows:

"15. For expanding the marketing outlets for Texas agricultural commodities, improving quality, handling and shipping procedures of farm commodities, keeping of statistical records on price, volume, movement and destination of commodities, dissimulation of information of market conditions of these goods and agricultural research by contract or inter-agency agreement. For salaries, wages, travel, other expenses and other contingencies 250,000"

My vote against his amendment, and for the motion to table, was to prevent the removal from the Appropriation Bill of much needed funds which we should and must invest in the effective program of market development by the Texas Department of Agriculture. Market development for agricultural products is a matter of concern to all Texans. Four out of ten persons in private employment in Texas depend upon agriculture even though, as Senator Grover says, only 7% of the population may be actually residing on the farms. We could add, I believe, another billion dollars in income to our farmers and ranchers if we could develop better markets for our products.

PATMAN.

Senator Grover offered the following amendment to the bill:

Amend the Committee substitute for S. B. No. 4, at page III-47 by striking item 9.

The amendment was read.

Senator Aikin moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded. The motion to table prevailed by the following vote:

Yeas—29

Aikin	Creighton
Bates	Hall
Bernal	Hardeman
Berry	Harrington
Blanchard	Hazlewood
Brooks	Herring
Christie	Hightower
Cole	Jordan
Connally	Kennard

Mauzy	Strong
Moore	Wade
Patman	Watson
Ratliff	Wilson
Reagan	Word
Schwartz	

Nays—2

Grover	Harris
--------	--------

Reason for Vote

Item 9 on Page III-47, reads as follows:

"9. State Office of Economic Opportunity: For payment of salaries and wages of exempt and classified positions, professional fees and services, part-time and seasonal help, travel, consumable supplies and materials, current and recurring operating expenses, capital outlay and all other activities for which no other provisions are made 81,000"

The amendment was intended to kill the poverty program in Texas, including Head Start, and all other programs administered by the State Office of Economic Opportunity.

PATMAN.

Senator Grover offered the following amendment to the bill:

Amend the Committee Substitute for S. B. No. 4, at Page III-52 by striking out the first two paragraphs on said page.

The amendment was read.

Senator Aikin moved to table the amendment.

Question on the motion to table, "Yeas" and "Nays" were demanded.

The motion to table prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Hall	Strong
Hardeman	Watson
Harrington	Wilson
Hazlewood	Word

Nays—3

Grover	Wade
Harris	

Reason for Vote

The language on Page III-52 which Senator Grover seeks to strike by his amendment reads as follows:

"For the Year
Ending August
31, 1969"

"There is hereby appropriated from the Omnibus Tax Clearance Fund to the credit of the Farm-to-Market Road Fund for the fiscal year beginning September 1, 1968, together with any balances in the Farm-to-Market Road Fund on hand at the beginning of said fiscal year, the following amounts \$15,000,000"

"Said amounts shall be allocated to the State Highway Department for the purpose of building Farm-to-Market Roads as prescribed by Chapter 51, Acts, Fifty-first Legislature, Regular Session, 1949 (Senate Bill No. 287), and amendments thereto; and it is further provided that any balances on hand in the Farm-to-Market Road Fund may be carried over from month to month and used for the purposes prescribed by said Act."

Adoption of the amendment would have taken away all of the construction money earmarked for the farm-to-market road program for this coming fiscal year.

PATMAN.

Senator Grover offered the following amendment to the bill:

Amend the Committee substitute for S. B. No. 4 at page III-117 by reducing item 31 to \$4,650,000.

The amendment was read.

On motion of Senator Aikin, the amendment was tabled.

Record of Vote

Senator Grover asked to be recorded as voting "Nay" on the motion to table the above amendment.

Reason for Vote

The above amendment pertains to the following language on Page III-117:

"Out of Children's Assistance Fund:
31. Aid to Families with
Dependent Children Pay-
ments 6,150,000"

The amendment would cut the ap-
propriation by \$1,500,000. Yet, in my
opinion, no justification for such a
reduction was offered.

PATMAN.

Senator Schwartz offered the fol-
lowing amendment to the bill:

Amend Senate Finance Commit-
tee Substitute for S. B. No. 4 by
striking Sec. 50 of Article V thereof
on page V-45, and renumbering the
sections which follow.

SCHWARTZ
BROOKS
COLE
JORDAN
BERNAL
HARRINGTON
BERRY
BATES
WILSON
MAUZY
KENNARD
REAGAN
CHRISTIE
HARRIS
CONNALLY
WADE
GROVER

The amendment was read and was
adopted.

Record of Vote

Senator Hardeman asked to be re-
corded as voting "Nay" on the adop-
tion of the above amendment.

The bill as amended was passed to
engrossment.

Record of Vote

Senator Grover asked to be re-
corded as voting "Nay" on the pas-
sage of the bill to engrossment.

Committee Substitute Senate Bill 4 on Third Reading

Senator Aikin moved that the Con-
stitutional Rule and Senate Rules 38
and 32 requiring bills to be read on
three several days be suspended and
that C. S. S. B. No. 4 be passed on its
third reading and final passage.

The motion prevailed by the fol-
lowing vote:

Yeas—30

Aikin	Herring
Bates	Hightower
Bernal	Jordan
Berry	Kennard
Blanchard	Mauzy
Brooks	Moore
Christie	Patman
Cole	Ratliff
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word

Nays—1

Hazlewood

The President then laid the bill be-
fore the Senate on its third reading
and final passage.

The bill was read third time and
was passed.

Record of Vote

Senator Grover asked to be re-
corded as voting "Nay" on the final
passage of C. S. S. B. No. 4.

House Bill on First Reading

The following bill received from
the House was read the first time and
referred to the Committee indicated:

H. B. No. 1, To the Committee on
Counties, Cities and Towns.

Memorial Resolutions

S. R. No. 70—By Senator Watson:
Memorial resolution for Chester D.
Harris.

S. R. No. 71—By Senator Watson:
Memorial resolution for Eddie E.
Powers.

S. R. No. 72—By Senator Watson:
Memorial resolution for H. J. (Skee)
Kozelski.

S. R. No. 73—By Senator Watson:
Memorial resolution for Mrs. Eliza-
beth Tirey Reid.

S. R. No. 75—By Senator Watson:
Memorial resolution for Redmond
Hannah.

S. R. No. 76—By Senator Watson:
Memorial resolution for Hugh J.
White.

S. R. No. 77—By Senator Watson: Memorial resolution for Dr. W. Duke Pittman.

S. R. No. 78—By Senator Watson: Memorial resolution for Tom Kelly.

S. R. No. 80—By Senator Watson: Memorial resolution for Dr. C. G. Smith.

S. R. No. 81—By Senator Watson: Memorial resolution for E. C. Goodman.

Welcome and Congratulatory Resolutions

S. R. No. 74—By Senator Watson: Commending Louey Migel Center for Senior Citizens of Waco on its programs for Senior Citizens.

S. R. No. 79—By Senator Watson: Extending congratulations to Dr. Melvin E. Garrett, Jr., for his selection as "Chiropractor of the Year."

S. R. No. 82—By Senator Brooks: Commending W. R. Randall and D. M. Ingram for their bravery.

S. R. No. 83—By Senator Brooks: Extending welcome to Senior Government Class of Ross S. Sterling High School of Houston.

S. R. No. 84—By Senator Hazlewood: Extending welcome to Mr. and Mrs. Murphy White and daughter, Abbie Jane, and Mrs. Mary Bess Brillhart and daughter, Krista.

S. R. No. 85—By Senator Watson: Extending welcome to Burns B. DuBose and Mrs. Virginia Sallee.

S. R. No. 86—By Senator Aikin: Extending welcome to Mrs. Dodson Hanes, Miss Clyde Gill and Miss Georgana Gilbert.

Adjournment

On motion of Senator Hardeman the Senate at 12:05 o'clock p.m. adjourned until 10:30 a.m. tomorrow.

EIGHTH DAY

(Wednesday, June 19, 1968)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Hazlewood
Bates	Herring
Bernal	Hightower
Berry	Jordan
Blanchard	Kennard
Brooks	Mauzy
Christie	Moore
Cole	Patman
Connally	Reagan
Creighton	Schwartz
Grover	Strong
Hall	Wade
Hardeman	Watson
Harrington	Wilson
Harris	Word

Absent—Excused

Ratliff

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Aikin.

Resolutions Signed

The President signed in the presence of the Senate after the captions had been read, the following enrolled resolutions:

S. C. R. No. 7, Memorial resolution for Charles Edward Green.

S. C. R. No. 8, Memorial resolution for R. O. Zollinger.

S. C. R. No. 9, Memorial resolution for Mrs. Frank C. Erwin, Jr.

S. C. R. No. 10, Memorial resolution for Senator George Parkhouse.

S. C. R. No. 11, Extending congratulations to Joe Presswood on his selection as "Outstanding Legionnaire of Post 52 for 1968."

S. C. R. No. 12, Memorial resolution for Captain Albert James Nichols, Sr.

Senate Resolution 87

Senator Watson offered the following resolution: